

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS WELFARE AND	)	
PENSION FUNDS,	)	
	)	
Plaintiffs,	)	
	)	No. 08 C 4952
v.	)	
	)	Judge Zagel
CARTAGE TRANSPORT, INC.,	)	
an Illinois corporation	)	Magistrate Judge Schenkier
	)	
Defendant.	)	

**MOTION FOR JUDGMENT IN SUM CERTAIN**

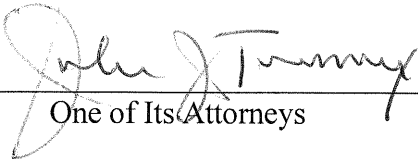
NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. Suit was filed on August 29, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Corporate service upon the Defendant, CARTAGE TRANSPORT, INC., an Illinois corporation, through the Illinois Secretary of State, on September 26 2008 and a copy of the proof of service was filed with the court on September 26, 2008.
3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$16,034.20	Welfare
\$10,284.35	Pension
\$925.00	Attorneys fees
<u>\$425.00</u>	Court costs
\$27,668.55	

WHEREFORE, Plaintiff prays for the entry of judgment against Defendant,  
CARTAGE TRANSPORT, INC., an Illinois corporation, and in favor of Plaintiffs,  
TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS  
WELFARE AND PENSION FUNDS in the amount of \$27,668.55.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By: \_\_\_\_\_  
One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

**Service of Process:**

1:08-cv-04952 Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Cartage Transport, Inc.

SCHENKIER

**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2**

**Notice of Electronic Filing**

The following transaction was entered by Toomey, John on 9/26/2008 at 2:18 PM CDT and filed on 9/26/2008

**Case Name:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Cartage Transport, Inc.  
**Case Number:** 1:08-cv-4952  
**Filer:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds  
**Document Number:** 7

**Docket Text:**

**SUMMONS Returned Executed by Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds as to Cartage Transport, Inc. on 9/24/2008, answer due 10/14/2008. (Toomey, John)**

**1:08-cv-4952 Notice has been electronically mailed to:**

John Joseph Toomey jtoomey100@hotmail.com

**1:08-cv-4952 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040059490 [Date=9/26/2008] [FileNumber=5271919-0]  
] [2b595ae68a4878452f8300ebb2010bd148f4d0d4f9e3d1cc3cba4be64793df9b41b  
2814a47da038ffe89d9bae8ac177eefa85a6ed802687f200da6b87bbf097b]]

Form **BCA-5.25**  
(Rev. Jan. 2003)

**AFFIDAVIT OF COMPLIANCE  
FOR SERVICE ON  
SECRETARY OF STATE**

File # 59167812

Jesse White  
Secretary of State  
Department of Business Services  
Springfield, IL 62756  
Telephone (217) 524-6748  
www.cyberdriveillinois.com

**FILED**

**SEP 24 2008**

**JESSE WHITE  
SECRETARY OF STATE**

**SUBMIT IN DUPLICATE**

This space for use by  
Secretary of State

Date 9/24/08

Filing Fee \$10.00

Approved: L.V.

1. Title of the case and number of the case:

Trustees of the Suburban Teamsters of Northern  
Illinois Welfare and Pension Funds

first named plaintiff

v.

Cartage Trasnport, Inc., an Illinois  
corporation

first named defendant

Number 08 C 4952

2. Name of the corporation being served: Cartage Transport, Inc., an Illinois corporation

3. Title of the court in which an action, suit or proceeding has been commenced: United States District Court

4. Title of the instrument being served: Complaint and Alias Summons of Illinois

5. Basis for service on the Secretary of State (Check and complete appropriate box):

- a. ☒ The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
- b. ☐ The corporation has failed to appoint and maintain a registered agent in Illinois.
- c. ☐ The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within 5 years thereafter.
- d. ☐ The corporation's certificate of authority to transact business in Illinois has been (withdrawn)/ (revoked) on \_\_\_\_\_, \_\_\_\_\_.
- e. ☐ The corporation is a foreign corporation that has transacted business in Illinois without procuring a certificate of authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned has caused a copy of the attached process, notice or demand to be sent, by certified or registered mail: 442 6th Avenue, Addison, Illinois 60101

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

John J. Toomey  
Signature of Affiant

September 22, 2008  
Month & Day

Year

( 312 ) 236-0415

Telephone Number

RETURN TO: PLEASE TYPE OR PRINT CLEARLY

John J. Toomey, Arnold and Kadjan

19 W. Jackson Boulevard, Suite 300

Chicago, IL 60604

City/Town

State

ZIP

**TENDERED CHICAGO  
CORP. DEPARTMENT**

**SEP 23 2008**

ACCEPTANCE AND "FILED" DATE  
ESTABLISHED ONLY AFTER  
REVIEW

C-213.9

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
ALIAS SUMMONS IN A CIVIL CASE**

TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS,	)	Docket Number: 08 C 4952
	)	
	)	Judge Zagel
	)	
v.	)	Magistrate Judge Schenkier
	)	
CARTAGE TRANSPORT, INC., an Illinois corporation	)	
	)	

TO: (Name and address of defendant)

CARTAGE TRANSPORT, INC.  
an Illinois corporation  
c/o Secretary of State  
69 W. Washington Street  
Suite 1240  
Chicago, Illinois

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard, Suite 300  
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
Michael W. Dobbins, Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
(by) Deputy Clerk